IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 73 of 2005(H)

PETITIONER:
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1. A.K.VALSEN, SENIOR INSTRUCTOR,
GOVERNMENT I.T.I., THRISSUR.

2. T.J.LONAN, SENIOR INSTRUCTOR,
GOVERNMENT I.T.I., KALAMASSERY.

3. V.VARADARAJAM, SENIOR INSTRUCTOR
GOVERNMENT I.T.I., KALAMASSERY.

4. M.N.VIJAYAN, SENIOR INSTRUCTOR,
GOVERNMENT I.T.I., CHALAKUDY, THRISSUR DISTRICT.

5. I.N.MURALEEDHARAN, SENIOR INSTRUCTOR,
GOVERNMENT I.T.I., KATTAPPANA, IDUKKI DISTRICT.

6. A.R.CHANDRA BABU, SENIOR INSTRUCTOR,
GOVERNMENT I.T.I., MALAMPUZHA, PALAKKAD DISTRICT.

7. SCARIA VARGHESE, SENIOR INSTRUCTOR,
GOVERNMENT I.T.I., MALAMPUZHA,
PALAKKAD DISTRICT.

BY ADV. SMT.I.SHEELA DEVI
SMT.REJI RAMACHANDRAN
SMT.MINI K.D.

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT, LABOUR AND
REHABILITATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF TRAINING, DEPARTMENT
OF INDUSTRIAL TRAINING, THYCAUD,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT. R. BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER NO. 16546/P.R.C. A3/04/FIN DATED 24.7.2004 ISSUED BY THE DEPARTMENT OF FINANCE TO THE FIRST PETITIONER.

EXT.P1(a) TRUE COPY OF THE ORDER NO. A4/16975/04 DATED 11.10.2004 ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.

EXT.P1(b) TRUE COPY OF THE ORDER NO. A4/16975/04 DATED 11.10.2004 ISSUED BY THE 2ND RESPONDENT TO THE 3RD PETITIONER.

EXT.P1(c) TRUE COPY OF THE ORDER A4/7399/04 DATED 5.6.2004 ISSUED BY THE 2ND RESPONDENT TO THE 4TH PETITIONER.

EXT.P1(d) TRUE COPY OF THE ORDER NO. A4/14565/04 DATED 2.9.2004 ISSUED BY THE 2ND REWSPONDENT TO THE 5TH PETITIONER.

EXT.P1(e) TRUE COPY OF THE ORDER NO. A21082/ 04 DATED 19.8.2004 ISSUED BY THE 2ND RESPONDENT TO THE 6TH PETITIONER.

EXT.P1(f) TRUE COPY OF THE ORDER NO. A2/720/2004 DATED 3.8.2004 ISSUED BY THE 2ND RESPONDENT TO THE 7TH PETITIONER.

EXT.P2 TRUE COPY OF THE JUDGMENT DATED 18.7.2002 IN OP NO. 13985 OF 1998 OF THE HON'BLE HIGH COURT OF KERALA.

EXT.P3 TRUE COPY OF THE GOVERNMENT ORDER NO. 30767/LB/02/H.EDN. DATED 25.10.2004

EXT.P4 TRUE COPY OF THE REPORT NO. A4/2533/04 DATED 6.7.2004 SUBMITTED BY THE PETITIONERS TO THE 1ST RESPONDENT.

EXT.P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY FIRST PETITIONER TO THE FIRST RESPONDENT.

EXT.P6 TRUE COPY OF THE ORDER NO. 20482/C1/04/E DATED 7.12.2004 ISSUED BY THE DEPARTMENT OF FINANCE TO THE FIRST PETITIONER.

EXT.P7 TRUE COPY OF THE ORDER NO. A4/2427/93 ISSUED BY THE 2ND RESPONDENT DATED 17.8.1993

EXT.P8 TRUE COPY OF THE EXTRACT OF THE FINAL GRADATION LIST OF SENIOR INSTRUCTORS UPTO 1999

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 73 OF 2005

Dated this the 1st day of March, 2007

JUDGMENT

Petitioners who have joined service as workshop attenders during the period 1983-1985 were promoted as Junior Instructors during 1987-88. They were again promoted to the grade of Senior Instructors during 1993-94. The grievance of the petitioners is that they were not given higher scale of pay based on Ext.P7 Government order dated 17.8.1993. I have heard counsel for the petitioners and Government Pleader and I have also gone through Ext.P7. It is made clear in Ext.P7 that benefit is available to those persons who have been promoted from attender Gr. II to Junior Instructors and those who continue as Junior Instructors for the periods referred to therein. In other words, if any person is stagnated as Junior Instructor after promotion and continues in service as such he will get higher grades on completion of 10 years, 20 years and 25 years respectively. Since petitioners were promoted from Junior Instructor to Senior Instructor, the Govt. Order is not applicable to the petitioners at all. More over their claim that the

period of service as attenders has to be taken into account is not permissible under the above G.O. because in order to get the benefit of higher grade the person has to continue in the grade of Junior Instructor and not as attender. In the circumstances, W.P. is devoid of any merit and is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge